

**Introduced by Senator Maldonado**

February 22, 2005

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An act to amend Section 24216 of the Education Code, relating to teachers' retirement, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 758, as introduced, Maldonado. State Teachers' Retirement System: postretirement earnings limitation.

The Teachers' Retirement Law limits the amount of postretirement income that may be earned in specified types of employment by a retired member of the Defined Benefit Program without a reduction in the member's retirement benefits. Existing law contains exemptions from this limitation, including an exemption for a retired member who is appointed as a trustee or administrator by the Superintendent of Public Instruction or assigned by a county superintendent of schools for a maximum of 2 years, and also for a member who is employed in an emergency situation to fill a vacant administrative position requiring highly specialized skills performed up to 1/2 of the full-time of the equivalent for that position, as specified.

This bill would create another exemption from that postretirement earnings limitation for a retired member who is employed to perform as a mentor for a principal to facilitate interventions for schools pursuant to certain state or federal provisions, subject to approval by the State Board of Education in consultation with the Superintendent of Public Instruction, and other restrictions.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 24216 of the Education Code is amended to read:

24216. (a) (1) A member retired for service under this part who is appointed as a trustee or administrator by the Superintendent of Public Instruction pursuant to Section 41320.1, or a member retired for service who is assigned by a county superintendent of schools pursuant to Article 2 (commencing with Section 42122) of Chapter 6 of Part 24, shall be exempt from subdivisions (d) and (f) of Section 24214 for a maximum period of two years.

(2) The period of exemption shall commence on the date the member retired for service is appointed or assigned and shall end no more than two calendar years from that date, after which the limitation specified in subdivisions (d) and (f) of Section 24214 shall apply.

(3) An exemption under this subdivision shall be granted by the system providing that the Superintendent of Public Instruction or the county superintendent of schools submits documentation required by the system to substantiate the eligibility of the member retired for service for an exemption under this subdivision.

(b) (1) A member retired for service under this part who is employed by an employer to perform creditable service in an emergency situation to fill a vacant administrative position requiring highly specialized skills shall be exempt from the provisions of subdivisions (d) and (f) of Section 24214 for creditable service performed up to one-half of the full-time equivalent for that position, if the vacancy occurred due to circumstances beyond the control of the employer.

(2) The period of exemption shall commence on the date the member retired for service is appointed or assigned and shall end no more than two calendar years from that date, after which the limitation specified in subdivisions (d) and (f) of Section 24214 shall apply.

(3) An exemption under this subdivision shall be granted by the system subject to the following conditions:

(A) The recruitment process to fill the vacancy on a permanent basis is expected to extend over several months.

1 (B) The employment is reported in a public meeting of the  
2 governing body of the employer.

3 (C) The employer submits documentation required by the  
4 system to substantiate the eligibility of the member retired for  
5 service for an exemption under this subdivision.

6 (c) *(1) A member retired for service under this part who is*  
7 *employed by an employer to perform as a mentor for a principal*  
8 *to facilitate interventions for schools under state or federal*  
9 *sanctions pursuant to subdivision (b) of Section 52055.5 and*  
10 *Sections 1116(b) and 1111(b)(2) of Public Law 107-110, the*  
11 *federal No Child Left Behind Act of 2001, (20 U.S.C. Sec. 6301 et*  
12 *seq.) is exempt from subdivisions (d) and (f) of Section 24214.*

13 *(2) Retired members shall only be employed in this capacity*  
14 *upon approval by the State Board of Education in consultation*  
15 *with the Superintendent of Public Instruction. The period of*  
16 *exemption shall be for the duration of employment in that*  
17 *capacity, after which subdivisions (d) and (f) of Section 24214*  
18 *shall apply.*

19 (d) This section does not apply to any person who has received  
20 additional service credit pursuant to Section 22715 or 22716.

21 ~~(d)~~

22 (e) A person who has received additional service credit  
23 pursuant to Section 22714 or 22714.5 shall be ineligible for one  
24 year from the effective date of retirement for the exemption  
25 provided in this section for service performed in any school  
26 district, community college district, or county office of education  
27 in the state.

28 ~~(e)~~

29 (f) This section shall remain in effect only until January 1,  
30 2008, and as of that date is repealed, unless a later enacted  
31 statute, which is enacted before January 1, 2008, deletes or  
32 extends that date.

33 SEC. 2. This act is an urgency statute necessary for the  
34 immediate preservation of the public peace, health, or safety  
35 within the meaning of Article IV of the Constitution and shall go  
36 into immediate effect. The facts constituting the necessity are:

37 In order to provide immediate assistance to schools facing  
38 sanctions under federal and state accountability programs, it is  
39 necessary that this act take effect immediately.

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